

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHRISTINE J. FORGUES,)	CASE NO. 1:15-CV-1670
)	
Plaintiff,)	JUDGE JAMES GWIN
)	
v.)	MAGISTRATE JUDGE MCHARGH
)	
SELECT PORTFOLIO SERVICING, INC.,)	
)	
Defendant.)	

**MEMORANDUM IN OPPOSITION OF
DEFENDANT SELECT PORTFOLIO SERVICING, INC.
TO PLAINTIFF CHRISTINE J. FORGUES'
MOTION FOR EXTENSION OF TIME
TO REPLY TO DEFENDANT'S DISCOVERY REQUEST**

Plaintiff Christine J. Forgues ("Forgues") has requested an extension of time of no less than 60 days to respond to the discovery requests of Defendant Select Portfolio Servicing, Inc. ("SPS") and to retain counsel. SPS does not object to a short extension of time, but the requested extension is unreasonably long given the case schedule set by the Court at the Case Management Conference.

Forgues filed this action pro se on August 19, 2015. After filing its motion to dismiss, SPS served Interrogatories and Requests for the Production of Documents upon Forgues on October 29, 2015. Forgues' responses were due on December 1, 2015. On December 3, 2015, counsel for SPS wrote to Forgues asking her to provide responses to the discovery by

December 11, 2015. SPS also agreed to limit the scope of its request for prior tax returns to the last five years. After the Court granted SPS's Motion to Dismiss on most of Forgues' claims, SPS's counsel wrote to Forgues on December 9, 2015 advising her SPS would withdraw the discovery requests related to the dismissed claims, which covered four interrogatories and seven requests for production. In response, Forgues advised counsel that she was working on the responses and would be providing "as much as she could" by Friday, December 11, 2015.

On December 10, 2015, however, Forgues wrote to SPS's counsel and stated she would not be providing responses and instead would be filing a motion for extension of time to respond to the discovery and to engage counsel. She did not state the length of the requested extension. Forgues filed her motion on December 11, 2015 seeking an additional 60 days to respond to SPS's discovery requests and retain counsel.

SPS respectfully submits that granting Forgues' motion as requested will prejudice SPS. The Court has now set the various deadlines for this case, including a dispositive motion deadline of February 29, 2016. If the Court grants Forgues' motion, her discovery responses will be due no earlier than February 9, 2016. This would limit SPS to twenty days to review the discovery responses, identify any missing documents or information, file a motion to compel if necessary, take Forgues' deposition, obtain the transcript of the deposition and prepare a motion for summary judgment. This time frame will prejudice SPS because the twenty-day period to address any discovery issues, complete discovery and file a dispositive motion is likely to be insufficient. Accordingly, the Court should deny Forgues' motion as drafted.

As noted previously, SPS does not object to a short extension of time for Forgues to respond to discovery. The requested sixty days is excessive and prejudicial, however. SPS

would not object to a 30-day extension of time for Forgues provide her discovery responses, and retain counsel.

For these reasons, SPS respectfully requests that the Court deny Forgues' request for a 60-day extension of time to respond to discovery and retain counsel, and instead grant at most a 30-day extension, making her discovery responses due no later than January 11, 2016.

Respectfully submitted,

/s/ David A. Wallace

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically on December 14, 2015. Notice was also sent by operation of the Court's electronic filing system to all other counsel who have entered an appearance and any parties who have entered an appearance through counsel. The parties may access this filing through the Court's ECF system.

A copy was also sent by First Class, U.S. Mail, postage prepaid, to Christine J. Forgues, 15109 Merrimeade Dr., Cleveland, Ohio 44111.

/s/ David A. Wallace
One of the Attorneys for
Defendant Select Portfolio Servicing, Inc.